

**Bureau of Land Management  
Winnemucca District Office  
Categorical Exclusion/Cultural Resources Inventory Needs Assessment Form**

[ ] HRFO (1000)      [X] BRFO (3000)      [ ] District (      )

<b>CX#: DOI-BLM-NV-W030-2012-0009-CX</b>	<b>Date: 05/14/2012</b>
Regulatory Authority (CFR or Law): FLPMA (43 U.S.C. 1701 et seq.)  BLM Manual: 6600 Fish, Wildlife, and Special Status Plant Resources Inventory and Monitoring  Subject Function Code: 6610	Lease / Case File / Serial #:
Project Lead Preliminary Review: Is the project located within a Sage Grouse 75% Bird Breeding Density Area? No	

1. BLM District Office: Winnemucca District Office

2. Name of Project Lead: John McCann

3. Project Title: Soldier Meadows Springsnail Monitoring

4. Applicant: United States Fish and Wildlife Service (USFWS)

5. Project Description: Don Sada of DRI would be conducting a springsnail inventory on behalf of the US Fish and Wildlife Service (FWS) in the Soldier Meadows Area of Environmental Concern (ACEC) over a two year period (2012-2013). Sampling would be done once at each spring over this time period at the Satellite Springs hot spring province. Sampling would be completed by one individual entering the riparian/ aquatic habitat and manipulating organic and inorganic stream substrates by hand to collect aquatic macroinvertebrate species in a net. Where and when applicable, sampling would provide data for this project as well as the Black Rock Climate Change Study also being completed by DRI (meaning one sample would provide data for two projects). The intent of the project would be to provide supplementary information to the FWS which would provide support for future determinations as to the status of springsnail species (i.e. threatened, endangered, etc.)

Project dimensions (length, width, height, depth): 0.8mi x 0.3mi Acreage: 119

\*Note that these dimensions reflect the total area in which the springsnail monitoring would occur. Actual monitoring sites would be much smaller on an individual basis; on the order of less than 0.005 acres per site.

Will the project result in new surface disturbance? Yes \_\_\_\_\_ No X

Has the project area been previously disturbed? Yes X No \_\_\_\_\_ N/A \_\_\_\_\_. If yes, what percent of the project area has been disturbed? 100% \*. If only part of the project area has been disturbed, indicate disturbed area on map. Describe disturbance (and attach photo of disturbed area if you have one):

\*Previous discussions with the BRFO archeologist indicated that work within stream channels would not constitute new disturbance because stream channels are naturally disturbed by the flow of water.

6. Legal Description: T. 40 N., R. 24 E., sec. 23 and 26

**CX#: DOI-BLM-NV-W030-2012-0009-CX**

**Applicant: USFWS**

**Project Title: Soldier Meadows Springsnail Monitoring**

USGS 24k Quad name: Mud Meadows

100k map name: High Rock Canyon

Land Status: BLM 119 Private 0 Other \_\_\_\_\_

**Part I: Plan Conformance Review**

The proposed Action is subject to the:

- ☐ Paradise-Denio Management Framework Plan  
☐ Sonoma-Gerlach Management Framework Plan  
☒ Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness and Other Contiguous Lands in Nevada RMP

This action would meet the intent of this RMP as it is expressed in Section 2.2.13 – Special Status Species. The objective under this section read, “To manage habitats and populations of special status plant taxa and animal species to meet the standards for “secure” ranking within 10 years. Any new listing of threatened or endangered species will require consultation with FWS.” This action would provide the USFWS with information which would allow them to more accurately classify the status of the Elongate Mud Meadows Springsnail.

*(The Proposed Action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM Manual 1617.3).*

**Part II: NEPA Review**

Categorical Exclusion Review: This Proposed Action qualifies as a categorical exclusion under:

☐ 43 CFR 46.210 DOI Implementation of NEPA of 1969, Listing of Departmental Categorical Exclusions (*formerly 516 DM2 Appendix 1*) (Define Exclusion – see lists available at: [S:\NEPA\\_2010\NEPA Templates 2010\CX\CX Lists\ DOI CXs](#))

☒ 516 DM11.9, (BLM) J.11 - Actions where the BLM has concurrence or co-approval with another DOI agency and the action is categorically excluded for that DOI agency. The co-approving or concurrent agency would be the Fish and Wildlife Service (FWS). The applicable FWS CX would be B.1 - Research, inventory, and information collection activities directly related to the conservation of fish and wildlife resources which involve negligible animal mortality or habitat destruction, no introduction of contaminants, or no introduction of organisms not indigenous to the affected ecosystem.

**ESA and BLM Sensitive Status Species**

Evaluation Criteria	Yes	No
1. Are species listed under the Endangered Species Act likely to occur in the project area? If yes, list the species in Table 1 below. Verify with USFWS or use approved list.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Are BLM NV Sensitive Species, based upon the current IM, likely to occur in the project area? If yes, list the species in the Table 1 below.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Could the proposed action result in “take” under the Migratory Bird Treaty Act? If yes, attach appropriate mitigation measures.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Table 1. Special Status Species that may occur in the project area:**

ESA	BLM	Common (Scientific) Name	May Be Affected?	Mitigation for BLM Sensitive Species (Attach ESA Section 7 Compliance to Form)
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## Project Title: Soldier Meadows Springsnail Monitoring

<input type="checkbox"/>	<input checked="" type="checkbox"/>	Columbia Spotted Frog ( <i>R. luteiventris</i> )	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Elongate Mud Meadows Springsnail ( <i>P. notidicola</i> )	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Direct mortality of sampled individuals. No mitigation recommended as sampling is necessary for future USFWS determinations pertaining to this species.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Soldier Meadow Cinquefoil ( <i>P. basaltica</i> )	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Squat Mud Meadows Springsnail ( <i>P. limaria</i> )	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Direct mortality of sampled individuals. No mitigation recommended as sampling is necessary for future USFWS determinations pertaining to this species.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Southern Soldier Meadow Springsnail ( <i>P. umbilicata</i> )	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Direct mortality of sampled individuals. No mitigation recommended as sampling is necessary for future USFWS determinations pertaining to this species.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Desert Dace ( <i>Eremichthys acros</i> )	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Project is within critical habitat and has been coordinated with USFWS.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Bighorn sheep ( <i>Ovis canadensis</i> )	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Slight disturbance due to human presence may occur. No mitigation recommended.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Several species may occur.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Slight disturbance due to human presence may occur. No mitigation recommended.

Table 2 Migratory Bird Treaty Act Consideration

Potential MBTA Species w/in the Project Area Common ( <i>Scientific</i> ) Name	May Be Affected?	Proposed Mitigation
Several species likely to occur.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Slight disturbance due to human presence may occur. No mitigation recommended.
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Project Title: Soldier Meadows Springsnail Monitoring

	<input type="checkbox"/> Yes	
	<input type="checkbox"/> No	
	<input type="checkbox"/> Yes	
	<input type="checkbox"/> No	

The Proposed Action has been reviewed to determine if any exceptions described in 43 CFR 46.215 Categorical Exclusions: Extraordinary Circumstances apply. (See attached page)

*Mitigation Measures/Remarks: (if there are any applicable mitigation measures, including any standard stipulations, conditions of approval, terms of conditions, etc. that would be attached to the permit, state "See Attached" and attach a copy to the CX.)*

**Part III: DECISION:** I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no other environmental analysis is required. It is my decision to implement the project, as described, with the mitigation measures identified above under the authority of Federal Land Policy Management Act (FLPMA) of 1976 (43 U.S.C. 1701 *et seq.*)

Section 201. [43 U.S.C. 1711] (a) "The Secretary shall prepare and maintain on a continuing basis an inventory of all public lands and their resources and other values (including, but not limited to, outdoor recreation and scenic values), giving priority to areas of critical environmental concern. This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values. The preparation and maintenance of such inventory shall not, of itself, change or prevent change of the management or use of public lands."

Remarks reserved for authorized officer:

Authorized Official Sheila Mallory /s/ Date: 05/12/2012  
(Signature)

#### Administrative Review or Appeal Opportunities

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Sheila Mallory,

Field Manager, Black Rock Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by §4.412 (b), and any arguments the appellant wishes to make. Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

43 CFR 4.471(d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).